

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 23-cr-350 (MJD/TNL)

Plaintiff,

v.

ORDER

Randy Omero Valle,

Defendant.

This matter comes before the Court on Defendant Randy Omero Valle's Second Motion for Extension of Time to File Pretrial Motions, ECF No. 20. Defendant also filed a Second Motion to Exclude Time Under the Speedy Trial Act, ECF No. 21, and a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act, ECF No. 22.

Defendant requests an extension of the motions filing date from February 9, 2024 to March 11, 2024, and a corresponding continuance of the motions hearing date. ECF No. 20 at 1. Defendant explains that he needs an extension because the Government produced some discovery, but more discovery is forthcoming and therefore additional time is needed for Defendant to review the discovery production and to prepare any necessary pretrial motions. *Id.* The parties are also in preliminary settlement discussions. *Id.* Defendant requests the Court to exclude the period of time from now until March 11, 2024, from computation under the Speedy Trial Act. ECF No. 22; *see also* ECF No. 21. The Government does not oppose Defendant's requests. ECF No. 20 at 1.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial, and such continuance is necessary to provide the parties and their counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Second Motion for Extension of Time to File Pretrial Motions, ECF No. 20, is **GRANTED**.

2. Defendant's Second Motion to Exclude Time Under the Speedy Trial Act, ECF No. 21, is **GRANTED**.

3. The period of time from **now through March 11, 2024**, shall be excluded from Speedy Trial Act computations in this case.

4. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **March 11, 2024**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Tony N. Leung.

5. **Counsel shall electronically file a letter on or before March 11, 2024, if no motions will be filed and there is no need for a hearing.**

6. All responses to motions shall be filed by **March 25, 2024**. D. Minn. LR 12.1(c)(2).

7. Any Notice of Intent to Call Witnesses shall be filed by **March 25, 2024**. D. Minn. LR 12.1(c)(3)(A).

8. Any Responsive Notice of Intent to Call Witnesses shall be filed by **March 28, 2024**. D. Minn. LR 12.1(c)(3)(B).

9. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures, and a defendant pleads particularized matters for which an evidentiary hearing is necessary;
or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

10. If required and subject to further order of the Court, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **April 9, 2024, at 10:00 a.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415. D. Minn. LR 12.1(d).

11. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT, the following trial and trial-related dates are:**

All voir dire questions and jury instructions must be submitted to District Judge Michael J. Davis on or before *a date to be determined*.

This case must commence trial on *a date to be determined* before District Judge Michael J. Davis in Courtroom 13E, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel**

must contact the Courtroom Deputy for District Judge Michael J. Davis to confirm the new trial date.

Dated: February 2, 2024

s/ Tony N. Leung

Tony N. Leung

United States Magistrate Judge

District of Minnesota

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